

CITY COMMISSION MINUTES

January 8, 2008

7:00 p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, January 8, 2008 with Mayor Mike Rhodes presiding.

The following members of the Commission were present: Terry Heldstab, Mike Rhodes, Ken Talley, Jack Taylor and Mick Wunder. Staff present was: City Manager Rod Barnes, City Engineer Christina Cook and City Clerk Tricia Gowen.

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

Items 3i and 3l were removed from the Consent Agenda.

Commissioner Taylor moved, seconded by Commissioner Wunder to approve the Consent Agenda as amended. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried. The Consent Agenda consisted of the following:

- a. Approval of the **December 18, 2007**, City Commission meeting minutes.
- b. The consideration and approval of **Pay Requests #16, #17, #19 and #20** by Kaw Valley Engineering for "on-call" engineering construction management services, in the amount of \$14,034.23.
- c. The consideration and approval of **Pay Request #4** by BG Consultants, Inc., for professional services completed through November 30, 2007, for Rucker Road-US77 to Whitney, in the amount of \$39,225.31.
- d. The consideration and approval of **Pay Request #2** by J&K Contracting for services completed through November 5, 2007, for Spring Valley Road-Lacy to Strauss, in the amount of \$141,083.10. (Project is 42.2% complete)
- e. The consideration and approval of **Pay Request #2** by Walter Morgan Construction for services completed through December 20, 2007, for K-57 Channel and Pedestrian Trail Improvements, in the amount of \$153,741.15.
- f. The consideration and approval of **Pay Request #3** by Blixt Construction for services completed through December 19, 2007, for New Horizons RV site improvements, in the amount of \$71,047.80.
- g. The consideration and approval of **Pay Request #5** by J&K Contracting for services completed through December 7, 2007, for Michael's Run Addition, in the amount of \$148,724.68. (Project is 95.1% complete)

- h. The consideration and approval of **Pay Request #2** by BG Consultants, Inc., for professional services completed through November 30, 2007, for KDOT (K) 57-31 TE 0276-01 07-105M Ditch Drainage with Patch, in the amount of \$11,555.71. (KDOT will reimburse \$8,666.78)
- i. The consideration and approval of **Pay Request #17, #18 and #19** by Kaw Valley Engineering for services on East Chestnut & East Street Intersection Project, in the amount of \$8,184.00. **(REMOVED FROM CONSENT AGENDA)**
- j. The consideration and approval of **Pay Requests #8, #9, #10, #11, #13, #14 and #15** by Kaw Valley Engineering for professional services on Spring Valley Road and Rucker Road, in the amount of \$81,012.40.
- k. The consideration and approval of **Pay Request #5 & #6** by Kaw Valley Engineering for professional services for Spring Valley Road Corridor Improvements, in the amount of \$11,376.60.
- l. The consideration and approval of **Pay Request #17, #18 and #19** by Kaw Valley Engineering for East Chestnut Street Project #A04D2009, in the amount of \$5,381.00. **(REMOVED FROM CONSENT AGENDA)**
- m. The consideration and approval of an **Annual Permit**, in the amount of \$60.00, with Kansas Department of Health & Environment for active storm water construction sites. (Permit will be good through January 2009).
- n. The consideration and approval for **Temporary Easement** for drainage improvements behind Wal-Mart by Kaw Valley Engineering.

PUBLIC HEARINGS

- a. Mayor Rhodes opened a public hearing for application of loan for \$674,081.00, to be taken by the City from the Kansas Public Water Supply Loan Fund, for well field related design and construction of Water Supply Well #18, to include installation of well field piping improvements. Mayor Rhodes closed the public meeting.
 - 1. The consideration and approval of **R-2425** by the City of Junction City for application of loan from Kansas Public Water Supply Loan Fund in an amount not to exceed \$674,081.00, for well field related design and construction of Water Supply Well #18 to include installation of well field piping improvements to eliminate restrictions of full flow potential in this system. City Engineer, Christina Cook, informed the Commission that this will replace well #10 which is not in-service. This project will be paid through the Water and Sewer Fund. Commissioner Talley moved to approve **R-2425** for application of loan from Kansas Public Water Supply Loan Fund in an amount not to exceed \$674,081.00 for well field related design and construction of Water Supply Well #18 to include installation of well field piping improvements to eliminate restrictions of full flow potential in this system. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

YOUTH COMMISSION COMMENTS

Michael Heldstab reported that the Youth Commission held their regularly scheduled meeting on Monday, January 7, 2008. The "Half Way There" party that the Youth Commission hosted at Spin City was successful. They had approximately 250 students in attendance.

NEW BUSINESS

- a. The consideration and approval of the **Award of Bid** to J&K Construction for construction of sewer and water improvements to serve Lot 1, Block 1, Pepsi Cola Addition, in the amount of \$56,109.00. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the Award of Bid to J&K Construction for construction of sewer and water improvements to serve Lot 1, Block 1, Pepsi Cola Addition in the amount of \$56,109.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- b. The consideration and approval of accepting a **10 foot utility easement** abutting Elmdale in front of the Old Pepsi Cola Building for water and sanitary sewer improvements. Commissioner Taylor moved, seconded by Commissioner Heldstab to approve a 10 foot utility easement abutting Elmdale in front of the Old Pepsi Cola Building for water and sanitary sewer improvements. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- c. The consideration and approval of the **Award of Bid** to Smoky Hill, LLC, for construction of storm sewer improvements to serve West Ash Street, McFarland Road, Lockstone Court, Republican River and Wal-Mart, in the amount of \$176,494.00. Commissioner Wunder moved, seconded by Commissioner Heldstab to approve the Award of Bid to Smoky Hill, LLC, for construction of storm sewer improvement to serve West Ash Street, McFarland Road, Lockstone Court, Republican River and Wal-Mart in the amount of \$176,494.00 with the understanding that these projects will be earmarked for future updates. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- d. The consideration and approval to **Terminate the Sponsorship Agreement** between Coca-Cola Bottling Company of Mid-America and the City of Junction City. Commissioner Talley moved, seconded by Commissioner Heldstab to approve to terminate the sponsorship agreement between Coca-Cola Bottling Company of Mid-America and the City of Junction City. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- e. The consideration and approval to donate four Laerdal 4000 defibrillators to Reverend Kevan Proctor to assist with his medical mission in Guatemala. The defibrillators are outdated and will no longer be able to be repaired by the company as of January 1, 2008. No action was taken on this item. The Commission directed City Attorney, Katie Logan, to confer with Fire Chief, Mike Ryan, to get more information on who the recipient will be and also draw up a Release of Liability. Chief Ryan will return to the Commission with this request once these issues are addressed.

- f. The consideration and approval of the **Award of Bid** to Harold Glessner, for removing rocks behind houses on West Marshall, in the amount of \$18,000.00. Commissioner Wunder moved, seconded by Commissioner Taylor to deny the award of bid to Harold Glessner for removing rocks behind house on West Marshall in the amount of \$18,000.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- g. The consideration and approval of **Time Extension/Project Suspension** of 32 days, by Kaw Valley Engineering for Spring Valley Road-Lacy to Strauss, due to utility relocations and adverse weather. Commissioner Taylor moved, seconded by Commissioner Heldstab to approve the time extension/project suspension of 32 days by Kaw Valley Engineering for Spring Valley Road – Lacy to Straus due to utility relocations and adverse weather. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- h. The consideration and approval of **Supplemental Contract** by Kaw Valley Engineering for East Chestnut Street Project #A04D2009 due to additional expenses caused by delays due to plan changes, acquisition of right-of-way, landscaping, irrigation and light poles, in the additional amount of \$4,914.00. Commissioner Heldstab moved, seconded by Commissioner Wunder to approve the supplemental contract by Kaw Valley Engineering for East Chestnut Street Project #A04D2009 due to additional expenses caused by delays due to plan changes, acquisitions of right-of-way, landscaping, irrigation and light poles, in the additional amount of \$4,914.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- i. The consideration and approval of **Acceptance of Agreement** for reimbursement to the City for 100% of Karns Road for engineering, ROW and construction. Commissioner Talley moved, seconded by Commissioner Wunder to table this item subject to City Attorney, Katie Logan's, review. The item will be revisited at the January 15, 2008 City Commission meeting. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- j. The consideration and Approval of Contract with S&W Services for tree removal due to mid-December ice storms, in the amount of \$101,250.00. Veolia Water Project Manager, Steve Hoambrecker, informed the Commission that this contract would provide for two full sweeps through the City, three sweeps if necessary. Commissioner Talley moved, seconded by Commissioner Heldstab to accept the contract with S&W Services for tree removal due to mid-December ice storms, in the amount of \$101,250.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

GENERAL DISCUSSION

(The Commission requests that comments be limited to a maximum of five minutes for each person).

Ben Kitchens – 611 Country Club Terrace. Mr. Kitchens stated that the Junction City Taxpayer's Association (JCTA) held a presentation at the Junction City Country Club on December 5, 2007 to discuss the excessive spending by the City Commission and the debt that has resulted. Mr. Kitchens stated that Peter Robertson had invited anyone to present information disputing their information and to date no one has come forward; that the City Commission has not responded. Mr. Kitchens wanted to know when the public is going to hear from the City Commission on these issues. Mr. Kitchens also stated that the JCTA had heard that the City has retained Mike McKone to gather information.

John Stewart – 1026 W. Spruce. Mr. Stewart commented on the "Mike & Mick Show"; that he thought there would be opposing views included in the show. Mr. Stewart informed the Commission that he has concerns that there won't be enough money to take care of the older sections of town with the spending that is occurring. Mr. Stewart wanted to know the priority of when roads are resurfaced and who inspects the quality of the road work when completed. He stated that some roads are resurfaced and two years later they are in need of it again. Mr. Stewart is concerned that the City doesn't bid out engineering services. He is also concerned about low-paying jobs that EDC is bringing to our community. Mr. Stewart is concerned the Junction City is going to become too expensive for the older citizens. Mr. Stewart also wanted to know who is paying the bonds on the land that contains no structures.

COMMISSIONER COMMENTS

Commissioner Taylor asked City Attorney, Katie Logan, if it would be possible to obtain a list of people who have made donations to the Opera House and the amounts they have donated. His concern is that the City would be responsible for any shortfalls from pledges that are not received. Ms. Logan stated that she would research this issue and report her findings to the City Manager.

Commissioner Heldstab stated that the Junction City Taxpayer's Association has the right to gather information and express their concerns. Commissioner Heldstab hopes that everyone can work together and do what's best for our community.

Commissioner Talley reminded everyone that he is holding a District meeting on Tuesday, January 22, 2008 at 6:30 p.m. in the auditorium of the Municipal Building.

Commissioner Wunder asked Police Chief, Bob Story, to investigate loud music complaints from the 300, 400, 500 and 600 blocks of West 9th and West 10th Streets.

Mayor Rhodes stated that we as a community need to work together to stay stable. He stated to Mr. Kitchens that the Commission can formally request a copy of the Junction City Taxpayer's Association's information. Mayor Rhodes stated that the Commission has begun to answer inquiries, questions and concerns from citizens. He asked the public to have patience. He stated that the Commission still has the City to run and have had several set backs with things like the ice storm. Mayor Rhodes asked for an update on the River Walk Pond. Water Utility & Parks Director, Ed Lazear, informed the Commission that the pond is almost full. Once it is completely filled, he will turn off the feed to check for leaks. The walking trail is too muddy at this point to work on. However, the landscaping is 90-95% complete. Mayor Rhodes also inquired about the game schedule for Rathert Stadium and the Generals Team. Mr. Lazear stated that they were finishing up the final details and he will present information at the January 15, 2008 City Commission meeting.

STAFF COMMENTS

Information Systems Director, Jim Germann, stated that if people send the Commission or city staff emails with profanity, the email will be automatically blocked by the City's spam protection.

Public Relations Director, Carol Gould, informed the Commission that the City's Citizens' Institute will begin February 7, 2008 and run through the beginning of May. The participants will meet eight times at various locations. The institute will consist of 12 participants with two being high school students. The purpose of the Institute is to improve citizens' understanding of local government and give them an opportunity to discover how local government works. Applications are available on the City's web site at www.jcks.com and at Customer Service in the Municipal Building.

EXECUTIVE SESSION

Commissioner Heldstab moved, seconded by Commissioner Talley to adjourn into executive session at 8:17 p.m. to reconvene at 8:37 p.m. to discuss matters related to confidential data relating to land acquisition. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried. Included in the Executive Session were the City Manager, Assistant City Manager, Economic Development Director, and City Attorney.

Commissioner Wunder moved, seconded by Commissioner Heldstab to reconvene into regular session at 8:37 having made no decisions nor taken any action while in executive session. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.


Commissioner Heldstab moved, seconded by Commissioner Wunder to adjourn into executive session at 8:38 p.m. to reconvene at 8:53 p.m. to discuss matters related to attorney-client privileges. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried. Included in the Executive Session were the City Manager, Assistant City Manager, Economic Development Director, and City Attorney.

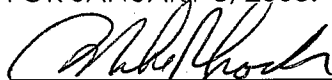
Commissioner Heldstab moved, seconded by Commissioner Talley to reconvene into regular session at 8:50 having made no decisions nor taken any action while in executive session. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

ADJOURNMENT

Commissioner Talley moved, seconded by Commissioner Wunder to adjourn at 8:51 p.m. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

APPROVED AND ACCEPTED THIS 15th DAY OF JANUARY, 2008 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR JANUARY 8, 2008.


Tricia Gowen, City Clerk


Mike Rhodes, Mayor